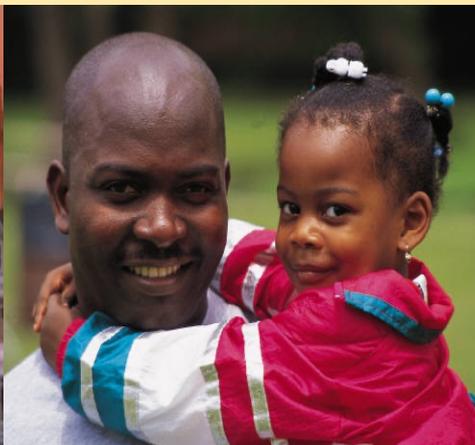
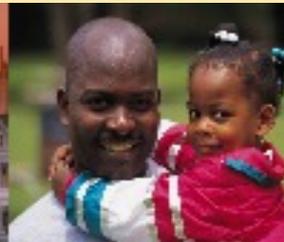




FHEO



Office of Fair Housing and Equal Opportunity



FAIR HOUSING ACT

**Title VIII of the Civil
Rights Act of 1968, as
amended in 1988**



The Fair Housing Act

Prohibits discrimination on the basis of:

- **Race**
- **Color**
- **Religion**
- **National Origin**
- **Sex**
- **Familial Status**
- **Disability**



Disability



Most frequent complaint:

Refusal to Make a
Reasonable Accommodation
or
Reasonable Modification





Reasonable Accommodation



What is considered a
reasonable accommodation
under the Fair Housing Act?





Reasonable Accommodation



Definition:

A change, exception, or adjustment to a rule, policy, practice or service, which may be necessary to afford an individual with a disability an opportunity to use and enjoy a dwelling unit, including public and common use spaces.





Reasonable Accommodation



There must be a relationship between
the requested accommodation
and
the individual's disability





Reasonable Accommodations



Most common requests:

- **Parking Spaces for the Disabled**
- **Assistance Animals**





Parking spaces



Accessible spaces

- For wheelchair users
- Requires access aisle and curb cuts
- Signage that space is for disabled only

Reserved spaces

- For those requesting closer spaces
- Signage that space is reserved for a particular unit





Assistance Animals



“Assistance Animal” includes:

- **Service Animals**
- **Emotional Support Animals**

- **No difference in treatment under the Act**
- **Apply same analysis to both**

- **Includes all animals, not just dogs.**





Reasonable Accommodations



Other types of requests:

- Live-in aides
- Transferring Units
- Assistance with Completing Applications
- Change or Modify a Policy or Procedure





No Pet Policy



- A No Pet Policy is permissible
- Cannot be applied without exception for assistance animals
- Weight and breed limitations can not be applied to assistance animals





Costs



Who pays for a reasonable accommodation?

The housing provider pays.





Request and Documentation



- Reasonable accommodation requests may be in writing or oral
- Housing provider's form may be used but not required
- Some medical documentation may be requested





Reasonable Accommodation



Example:

- A housing provider has a policy of providing unassigned parking spaces to residents. A resident with a mobility impairment, who is substantially limited in her ability to walk, requests an assigned accessible parking space close to the entrance to her unit as a reasonable accommodation.
- There are available parking spaces near the entrance to her unit that are accessible; however, those spaces are available to all residents on a first come, first serve basis.





Reasonable Accommodation



- The provider must make an exception to its policy of not providing assigned parking spaces to accommodate this resident.
- The request must be granted.





Reasonable Accommodation



When can a provider deny a request for a reasonable accommodation without violating the Act?





Reasonable Accommodation



- **Determined on a Case-by-Case Basis**
- **Factors for Denial:**
 - **Undue Financial and Administrative Burden**
 - **Fundamental Alteration of the Nature of Provider's Operation**
 - **Direct Threat to Health and Safety**





Reasonable Accommodation



Undue Financial and Administrative Burden

Based on an individualized assessment of costs to make the accommodation and resources and staff of the provider





Reasonable Accommodation



Fundamental Alteration of the Nature of Provider's Operation

Example – requesting the provider administer medication to a resident.

Requesting an assistance animal in a no pet building is NOT a fundamental alteration.





Reasonable Accommodation



Direct Threat to Health and Safety

Must be based on objective evidence.

Example – the dog in Apt. 3A is exhibiting aggressive behavior.

Assumptions and fears are not enough.

Example – the dog in Apt. 3A is a pit bull which is an aggressive breed.





Reasonable Accommodation



May a housing provider charge an extra fee or require an additional deposit or insurance from disabled applicants or tenants as a condition of granting a reasonable accommodation?





Reasonable Accommodation



No. Housing providers may not require persons with disabilities to pay extra fees or deposits or to obtain additional insurance as a condition of receiving a reasonable accommodation.





Reasonable Accommodation



In general, what questions are housing providers allowed to ask applicants/tenants regarding their disabilities?





Reasonable Accommodation



- Housing providers MAY ask for:
 - Verification of disability
 - Verification of need for accommodation
 - Explanation of how accommodation will help
- Housing providers MAY NOT:
 - Ask for a specific diagnosis
 - Ask about the nature or severity of disabilities
 - Require use of a form to submit request or verify disability or need





Reasonable Accommodation



What can be asked to verify the necessity of a requested accommodation?





Reasonable Accommodation



- If the disability is obvious and the need for the requested accommodation is readily apparent, you may NOT request any additional information.
- Example: A resident who uses a walker requests a parking space near the building entrance. Both the disability and the need are known.





Reasonable Accommodation



- If the disability is obvious, but the need for the accommodation is not readily apparent, you may request only information necessary to evaluate the disability-related need for the accommodation.
- Example: A resident in a wheelchair requests an assistance animal in a no pet building. The disability is known but the need is not obvious.





Reasonable Accommodation



If the disability is not obvious, you may request reliable disability related information that:

- 1. verifies that the person meets the definition of disability under the Fair Housing Act
 - has a physical or mental impairment that substantially limits one or more major life activities
- 2. describes the needed accommodation
- 3. shows the relationship between the person's disability and the requested accommodation





Reasonable Accommodation



A disability can be verified by:

- 1. Proof that the person receives Social Security Disability Benefits or other disability based government benefits.
- 2. A letter from a healthcare provider.

It is up to the requestor which type of proof he/she chooses to submit. A letter can be from any type of doctor, nurse, therapist or social worker.





Reasonable Accommodation



Once you have documentation that the accommodation is needed because of the disability, and the disability has been verified, the request must be granted, unless one of the 3 grounds for denial applies.





Reasonable Modification



What is a reasonable modification under the Fair Housing Act?





Reasonable Modification



A reasonable modification is a structural change made to existing premises, occupied or to be occupied by a person with a disability, in order to afford such person full enjoyment of the premises.





Reasonable Modification



Reasonable modifications can include structural changes to interiors and exteriors of dwellings, as well as common and public use areas.





Reasonable Modifications



Types of Reasonable Modifications

- Installing Ramps
- Widening Doorways
- Lowering Kitchen and Bathroom Cabinets
- Lowering Light Switches
- Raising electrical outlets
- Grab Bars/Toilet Extensions
- Strobe Lighting





Costs



Who pays for a reasonable modification?





Costs



The person making the request pays.

Exception:

Recipients of federal funds, such as housing authorities, must pay.





Prohibitions



A Housing Provider can **NOT**:

- Refuse to Make Reasonable Accommodations
- Refuse to Allow Reasonable Modifications
- Threaten, Coerce, Intimidate or Interfere With Anyone Exercising a Fair Housing Right
- Advertise or Make Any Statement That Indicates a Limitation or Preference Based on Membership in a Protected Class





Contact information



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